PTO/SB/64 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

on Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT BS01442 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) First named inventor: MATZ Art Unit: 2161 Application No.: 10/037,005 Examiner: Unknown Filed: December 21, 2001 Title: System & Method for Storing and Distributing Television Viewing Patterns from a Clearinghouse Refund Ref: 08/30/2007 SFELEKE1 0000158868 Attention: Office of Petitions **Mail Stop Petition** \$1370.00 CHECK Refund Total: **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450 FAX (703) 872-9306 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 1.Petition fee Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. ✓ Other than small entity – fee \$ 1370.00 (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in ____(identify type of reply): the form of _ has been filed previously on is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ has been paid previously on _____ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/20/2004 HITEKSNEN_00000004-10037005

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 ČFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] WARNING: Information on this form may become public. Credit card information should not be form. Provide credit card information and authorization on PTO-2038. 41,390 Scott P. Zimmerman Registration Number, if applicable Typed or printed name P.O. Box 3822 919-387-6907 Telephone Number **Address** Cary, NC 27519 Address Fee Payment Enclosures: V Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)] I hereby certify that this correspondence is being: Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. United States Patent and Trademark Transmitted by facsimile on the date showp below to Office as (703) 872-9306. Scott P. Zimmerman Typed or printed name of person signing certificate



Revenue Accounting and Management

Name/Number: 10037005 Total Records Found: 10

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/02/2006	00000015	<u>1</u>	<u>1453</u>	\$1,500.00	08/01/2006	CC
05/19/2006	00000077	1	<u>1806</u>	\$180.00	05/18/2006	CC
12/09/2005	00000014	1	<u> 1806</u>	\$180.00	12/08/2005	CC
12/02/2005	00000001	<u>1</u>	1806	\$180.00	12/01/2005	CC
10/20/2004	00000005	<u>1</u>	<u>1453</u>	\$1,370.00	10/18/2004	CK
08/25/2004	00000008	<u>1</u>	<u>1453</u>	\$1,330.00	08/23/2004	CK
01/15/2002	00000001	<u>1</u>	<u>581</u>	\$40.00	12/21/2001	CK
01/10/2002	00000081	1	<u>101</u>	\$740.00	12/21/2001	CK
01/10/2002	00000082	<u>1</u>	<u>103</u>	\$540.00	12/21/2001	CK
01/10/2002	00000083	<u>1</u>	<u>102</u>	\$252.00	12/21/2001	CK

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MATZ, et al.

Group Art Unit:

2623

Application No. 10/037,005

Examiner:

Van Handel, Michael P.

Filed: December 21, 2001

Title: "Method & System for Storing and Distributing Television Patterns from a

Clearinghouse"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

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Name of P6

REQUEST FOR STATUS OF REFUND

Mail Stop: 16

Director of the US Patent & Trademark Office

P.O. Box 1450

Alexandria VA 22313-1450

Director:

On January 27, 2005, I requested a refund of \$1370 in the above-identified application. As the accompanying decision on petition states, the petition fee was twice paid and a refund is permitted. As yet, no response has been received. Please make the check payable to Scott P. Zimmerman, PLLC and mail the check to:

> Scott P. Zimmerman P.O. Box 3822

BS01442

U.S. Application No. 10/037,005 Request for Refund of Petition Fee

Cary NC 27519

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2655 or scott@scottzimmerman.com.

Respectfully submitte

Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390



UNITED STATES PATEN __ .ND TRADEMARK OFFICE

Commissioner for Petents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS MN 55402-0903

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DEC 2 0 2004

OFFICE OF PETITIONS

In re Application of Matz et al.
Application No. 10/037,005
Filed: December 21, 2001
Attorney Docket No. 36968/267872

BSol442

DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed August 23, 2004, and again on October 18, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 3 CFR 1.137(f).

The petition is GRANTED.

Petitioner states that the present nonprovisional application is the subject of an application filed in an 18 month publication country on December 16, 2002. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

¹The petition filed on August 23, 2004, was submitted by the law firm of Kilpatrick Stockton LLP.

²The second petition filed on October 18, 2004, was submitted by Scott P. Zimmerman.

Application No. 10/037,005

Page 2

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of March 31, 2005, accompanies this decision on petition.

The Office notes that the current address of record is Merchant & Gould PC, P.O. Box 2903, Minneapolis, MN 55402-0903. On April 4, 2004, Scott P. Zimmerman submitted a request to change the correspondence address. The Office records do not indicate that Mr. Zimmerman has power of attorney in this application. Accordingly, the correspondence address cannot be made of record. If Mr. Zimmerman desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to the law firm of Kilpatrick & Stockton and Mr. Zimmerman. However, all future correspondence will be directed to Merchant & Gould at the address of record until such time as appropriate instructions are received to the contrary.

The Office finance records indicate that the petition fee was paid twice. The second petition fee submitted on October 18, 2004, is not necessary. Therefore, petitioner may request a

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Application No. 10/037,005

Page 3

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refund of the \$1,370.00 petition fee by writing to the following address:

Mail Stop 16
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PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

. This matter is being referred to Technology Center Art Unit 2611.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

Chustina f. Donnell

Christina Tartera Donnell Senior Petitions Attorney Office of Petitions

Enclosure: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

cc: Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519

> Kilpatrick & Stockton, LLP 1001 West Fourth Street Winston-Salem, NC 27101-2400





PALM INTRANET

Day: Tuesday Date: 8/7/2007 Time: 12:56:39

Application Number Information

Application Number: 10/037005

Assignments

Filing or 371(c) Date: 12/21/2001 eDan

Effective Date: 12/21/2001

Application Received: 01/07/2002

Pat. Num./Pub. Num: /20050071863

Issue Date: 00/00/0000

Date of Abandonment: 00/00/0000

Attorney Docket Number: 36968/267872

Status: 61 /FINAL REJECTION MAILED

Confirmation Number: 5691

Third Level Review: NO

Oral Hearing: NO

Title of Invention: SYSTEM AND METHOD FOR STORING AND DISTRIBUTING TELEVISION VIEWING PATTERNS FROM A CLEARINGHOUSE

Examiner Number: 81031 / VAN HANDEL,

MICHAEL

Group Art Unit: 2623

Class/Subclass: 725/014.000

Lost Case: NO

Interference Number:

Unmatched Petition: NO

L&R Code: Secrecy Code:1

Secrecy Order: NO

Desc.

IFW Madras

Status Date: 07/13/2007

Waiting for Response

Mail Final Rej.

Bar Code PALM Location Location Date Charge to Loc Charge to Name Employee Name Location Appln Petition Info Atty/Agent Info Continuity/Reexam Foreign Data Contents Info Search Another: Application # Search or Patent# Search or PG PUBS# PCT / Search Search Search Attorney Docket # Search Bar Code #

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MATZ, et al.

Group Art Unit:

2623

Application No. 10/037,005

Examiner:

Van Handel, Michael P.

Filed: December 21, 2001

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Clearinghouse"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

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REQUEST FOR STATUS OF REFUND

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Director:

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Scott P. Zimmerman

P.O. Box 3822

BS01442

U.S. Application No. 10/037,005 Request for Refund of Petition Fee

Cary NC 27519

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2655 or <u>scott@scottzimmerman.com</u>.

Respectfully submit

Scott P. Zimmerman Attorney for the Assignee Reg. No. 41,390